

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:13-cv-01239-WCG</u>
)	
v.)	
)	
RUSSELL SCHERBARTH,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S SECOND MOTION FOR EXTENSION OF TIME WITHIN WHICH IT
HAS TO SERVE DEFENDANT WITH A SUMMONS AND COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case originally against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).

2. On November 8, 2013, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, Road Runner, to obtain the Defendant’s identifying information [CM/ECF 7]. Plaintiff issued the subpoena on or about November 12, 2013, but did not receive the ISP’s response until January 29, 2014.

3. On March 4, 2014, Plaintiff amended its Complaint to name the Defendant which was identified by the ISP, and requested that the Clerk issues a summons for service on the Defendant. Upon receipt of the clerk issued summons, Plaintiff requested that its process server

begin attempting to serve Defendant. To date, despite the process server's attempts, the Defendant has not yet been served.

4. Pursuant to this Court's order dated April 4, 2014, Plaintiff was required to effectuate service on Defendant by last Saturday, May 3, 2014.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended by thirty (30) days, or until June 2, 2014.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until June 2, 2014.

A proposed order is attached for the Court's convenience.

6. Dated: May 8, 2014

Respectfully submitted,

SCHULZ LAW, P.C.

By: /s/ Mary K. Schulz
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CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Mary K. Schulz